

## **REMARKS**

The Office action mailed July 1, 2003, has been received and its contents carefully noted. Claims 26-61 were pending. By this amendment, claims 26-61 have been canceled and new claims 62-101 have been added. New claims 62-101 are rewritten forms of former claims 26-61. However, it should be noted that the new claims all claim dependency to the first independent claim, new claim 62. Support may be found in the specification generally and the claims as originally filed. No statutory new matter has been added. Therefore, entry of the claims as amended is respectfully requested.

### **Restriction Requirement**

In the Office action mailed July 1, 2003, the Examiner required a restriction as follows:

- I. Claims 26-45 and 56-59, drawn to a microcellular polyhipe polymer scaffold, classified in class 424, subclass 423.
- II. Claims 46-55, drawn to a process of preparing a microcellular polyhipe polymer scaffold, classified in class 521, subclass 61.
- III. Claims 60, drawn to a method of manufacturing an organ support module, classified in class 521, subclass 63.
- IV. Claim 61, drawn to use of the polyhipe scaffold for manufacture of contact lenses, dental fillings, cochlea implants, vascular supports or drug delivery skin patches, classified in class 424, subclass 429.

The Examiner explained the compounds of Groups I-IV are unrelated, and therefore restriction is proper.

Applicants hereby provisionally elect to prosecute the claims of Group II (new claims 62-74), with traverse.

Applicants respectfully submit that the claims of Group I (new claims 75-93) are dependent on the claims of Group II (new claim 62). Specifically the microcellular polyhipe polymer scaffold of Group I is required to be made by the process of Group II. Similarly, the claims of Groups III and IV (new claims 94-101) are also limited to the microcellular polyhipe polymer scaffold that is made by the process of Group II.

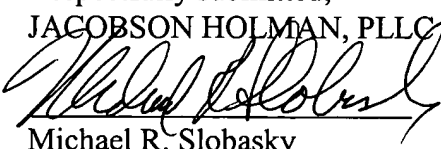
Applicants are not aware of methods for preparing the microcellular polyhipe polymer

scaffold other than that encompassed by the claims of Group II. Since the microcellular polyhipe polymer scaffolds of Group I, Group III and Group IV are made by the method encompassed in Group II and cannot be made by another method, the claims of Groups I-IV should be examined together. Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn and that the claims of Groups I-IV be examined.

## CONCLUSION

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more divisional applications to the non-elected groups. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 06-1358, referencing Attorney Docket No. P66710US0.

Respectfully submitted,  
JACOBSON HOLMAN, PLLC  
  
Michael R. Slobasky  
Reg. No. 26,421

Date: August 1, 2003  
The Jenifer Building  
400 Seventh Street, N.W.  
Washington, DC 20004-2201  
(202) 638-6666